

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman First Class RICHARD J. ISRAEL JR.
United States Air Force**

ACM 34877

27 October 2003

Sentence adjudged 18 October 2001 by GCM convened at MacDill Air Force Base, Florida. Military Judge: James L. Flanary.

Approved sentence: Bad-conduct discharge, confinement for 6 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Captain Antony B. Kolenc.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Major Linette I. Romer.

Before

BRESLIN, MOODY, and GRANT
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of errors, and the government's reply thereto. We conclude that the military judge did not abuse his discretion in limiting the appellant's cross examination of government witnesses concerning the collection and testing of appellant's urine for the presence of drugs. *United States v. Shaffer*, 46 M.J. 94 (C.A.A.F. 1997). Furthermore, this limitation on cross examination did not raise a due process barrier to the use of the permissible inferences of knowledge and wrongfulness. *Manual for Courts-Martial, United States* (MCM), Part IV, 37(c)(10) (2000 ed.); *United States v. Green*, 55 M.J. 76 (C.A.A.F. 2001). Accordingly, we conclude the findings and sentence are correct in law and fact, and no

error prejudicial to the substantial rights of the appellant was committed. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). On the basis of the entire record, the approved findings and sentence are

AFFIRMED.

OFFICIAL

HEATHR D. LABE
Clerk of Court